IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

WP(C).No. 4367 of 2007(T)

PETITIONER:

JAGI.A.JACOB, S/O.JACOB JOSEPH,
AKERIL HOUSE, MELPADAM P.O., MANNAR (HIGH SCHOOL ASSISTANT (MATHS), KADAPRA ST.THOMAS HIGH SCHOOL, NIRANAM WEST, KIZHAKKUMBHAGOM PO, THIRUVALLA).

BY ADV. SRI.S.SUBHASH CHAND

RESPONDENTS:
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1. THE DISTRICT EDUCATIONAL OFFICER,
OFFICE OF THE DISTRICT EDUCATIONAL OFFICER,
THIRUVALLA.

2. THE MANAGER, KADAPRA ST.THOMAS HIGH SCHOOL, NIRANAM WEST KIZHAKKUMBHAGOM P.O., THIRUVALLA.

3. C.A.CHACKO, MANAGER,
KADAPRA ST.THOMAS HIGH SCHOOL,
NIRANAM WEST, KIZHAKKUMBHAGOM PO, THIRUVALLA.

BY GOVT.PLEADER SMT.M.R.SREELATHA
ADV.SRI.P.HARIDAS FOR R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1	**TRUE COPY OF THE MEMO OF CHARGES AND STATEMENT OF ALLEGATIONS DTD. 27-07-06 ISSUED TO THE PETITIONER BY RESPONDENT NO.2/3**
EXT.P2	**TRUE COPY OF THE WRITTEN STATEMENT OF DEFENCE SUBMITTED BY THE PETITIONER BEFORE R2/3 DTD. 8-8-06**
EXT.P3	**TRUE COPY OF THE SHOW CAUSE NOTICE DTD. 24-01-07 ISSUED TO THE PETITIONER BY RESPONDENT 2/3**
EXT.P4	**TRUE COPY OF THE REPLY DTD. 5-2-07 SUBMITTED BY THE PETITIONER TO EXT.P3 SHOW CAUSE NOTICE.**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.(C).No.4367 OF 2007

Dated this the 7th day of March, 2007

JUDGMENT

Petitioner challenges Ext.P3 show cause proposing to remove the petitioner from service as altravires to the provisions contained in Rule 75. By Ext.P3 third respondent has issued a show cause to the petitioner. Complaint of the petitioner is that this is not preceded by an enquiry as contemplated in Rule 75 of Chapter XIV A K.E.R. and without following the procedure.

2. I heard learned counsel appearing for the petitioner, manager and learned Government Pleader also.

3. Learned counsel for the manager does not dispute the fact that there is no enquiry as contemplated in law.

In such circumstances, Ext.P3 is quashed. But it is made clear that it is open to the third respondent to proceed against the petitioner, if so advised in accordance with law.

K.M.JOSEPH
JUDGE

sv.